

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-16653
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 26, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-00118-CR-WTM-4

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HARRY LEE TELFAIR,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Georgia

(June 26, 2009)

Before DUBINA, Chief Judge, BLACK and BARKETT, Circuit Judges.

PER CURIAM:

Grant B. Smith, appointed counsel for Harry Lee Telfair in this direct

criminal appeal, has moved to withdraw from further representation of the appellant and filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). In considering counsel's motion, we consider only the propriety of Telfair's 2006 amended sentence at issue in this out-of-time direct appeal. We do not examine the propriety of any other actions Telfair has taken, or may take in the future. Our independent review of the entire record reveals that counsel's assessment of the relative merit of this out-of-time direct appeal for Telfair's 2006 amended sentence is correct. Because independent examination of the entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Telfair's amended sentence is **AFFIRMED**.